

REMARKS

Claims 1-4, 6 and 11-14 are currently pending in this application. This Supplemental Amendment is in further response to the Office action mailed 30 March 2009, and the Amendment filed on 29 June 2009 by Nicholas J. DiCeglie, Jr. on behalf of Bayer Healthcare AG. Applicants respectfully request entry of the Supplemental Amendment. Reconsideration and allowance of the pending claims are respectfully requested.

The Applicants thank Examiner Shterengarts for her courtesy and helpful comments during telephonic discussions with the undersigned on 11 September 2009 and on 23 September 2009 in regard to the status of the present application. The Applicants respectfully request that the Examiner confirm on the record that present application is in good standing and that no adverse consequences arise in view of the situation described herein.

Briefly, on 23 March 2009, the Applicants filed a Statement under 37 C.F.R. 3.73(b) establishing that AiCuris GmbH & Co. KG was the assignee of the entire right, title and interest in the present application, and submitted a Revocation of Power of Attorney with New Power of Attorney, revoking all previous powers of attorney and appointing the practitioners associated with Customer Number 25225. The Notice Regarding Change of Power of Attorney was not mailed by the Office until 28 August 2009. The Office action mailed 30 March 2009 was mailed to the former counsel of record and was responded to by Nicholas J. DiCeglie, Jr. on behalf of Bayer Healthcare AG on 29 June 2009 without the knowledge or consent of the present Applicants.

Please enter into the record that the Applicants hereby explicitly declare that they agree with and adopt the Amendment in Response to Non-Final Office Action filed on 29 June 2009 and that they hereby make this reply their own.

CONCLUSION

If it is determined that a telephone conference would expedite the prosecution of this application, the Examiner is invited to telephone the undersigned at the number given below.

Because the Response filed on 29 June 2009 was fully responsive to the outstanding issues, the Applicants believe that no fee is necessary for entry of the Supplemental Amendment. In the event the U.S. Patent and Trademark Office determines that an extension and/or other relief is required, applicant petitions for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. 03-1952 referencing docket no.584212006900. However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

Dated: September 29, 2009

Respectfully submitted,

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